1761551N25A - SH-AD-32A (DPES) (4/91)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: November 3, 2004
FILE NO: #2095119

EXECUTIVE FORCE REVIEW COMMITTEE
POLICY ASSESSMENT
DISPOSITION SHEET

FROM: JOHNNY G. JURADO, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: PLENT GERALD, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
CHASE, BRUCE, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
CONNER, ZACK, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
HACKETT, CLIPPER, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
BARTH, PHIL, SERGEANT # SPECIAL ENFORCEMENT BUREAU, OHS
BAUDINO, ANTHONY, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
KEELIN, FRED, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
DEMELLO, JACK, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
RECTOR, RICK, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
GALLEGOS, CLARENCE, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
BURWELL, ERNEST, DEPUTY # SPECIAL ENFORCEMENT BUREAU, OHS
GUILBAULT, ROBERT, SERGEANT # SPECIAL ENFORCEMENT BUREAU, OHS

On August 8, 2003, personnel from the Special Enforcement Bureau (SEB) responded to a remote residence in the desert where Donald Kueck, the suspect in a deputy's murder, was possibly seen. SEB contained the location and made approximately 20 minutes of P.A. announcements requesting Kueck to surrender. After Kueck did not surrender, chemical agents were inserted into several of the structures at the location. The Los Angeles Police Department's Armored Response Vehicle (ARV) was used to deliver the chemical agents and then begin tearing down the smaller structures on the property. Kueck did not surrender and began shooting at the deputies. The deputies returned fire and additional chemical agents were deployed. Kueck still refused to surrender. Road flares were then deployed onto the partially collapsed structure Kueck was believed to be firing from. The structure caught fire, but Kueck still did not surrender. After the structures at the location burned, a search of the area was conducted. Kueck's remains were found in one of the burned structures.

On October 26, 2004, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

3-01/025.00, Use of Force, 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force, the Committee determined that the force used by all personnel was reasonable and necessary and in

compliance with Department policy.

3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy. The Committee recognized that a significant debriefing of the operational issues of concern to the Committee had already occurred.

Johnny G. Jurado, Commander

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SH 2095119

Los A[illegible]geles County Sheriff's Dep[illegible]tment

Officer Involved Shooting

Report Date: 08-08-03	Bureau/Station/Facility: SEB	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 003-13578-2670-013	Date: 08-08-03	Time: 1130
City or Station: PALMDALE STATION	Nature of Incident: BARRICADED SUSPECT AT LOCATION, WANTED FOR THE MURDER OF DEPUTY SORENSON.	
Location: [redacted] E. AVENUE R, LLANO		

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **(Residence)** [circled], Rural, School, Street, Other: ____

Lighting (*circle only one*): Darkness, **(Daylight)** [circled], Other, Street Lights

Weather (*circle only one*): **(Clear)** [circled], Cloudy, Fog, Rain

Distance: UNKNOWN

Incident Type (*circle one or more*): Accidental, **(Armed Person)** [circled], Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ____

Initiated by (*circle only one*): Arrest Warrant, **(Call)** [circled], Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **(Other)** [circled], Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
UNKNOWN	UNKNOWN	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Garay	Ralph		EM PM **(Day)**	**(Regular)** Overtime Off Duty
[redacted]	Aleman	Daniel		EM PM **(Day)**	**(Regular)** Overtime Off Duty
[redacted]	Wilber	Michael		EM PM **(Day)**	**(Regular)** Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	LAPD # [redacted] Sergeant				
[redacted]	[redacted]	[redacted]	LAPD # [redacted] Officer				

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Maxwell	Patrick		**(On Duty)** **(Present during shooting)** **(Witness to shooting)** Involved in shooting
[redacted]	Guilbault	Robert		**(On Duty)** **(Present during shooting)** Witness to shooting **(Involved in shooting)**

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Evans	Daryl	

PSTD Use Only
SH # 2081149

Officer Involved Shooting

URN: 003-13578-2670-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-08-03	2355		

Employee #	Last Name	First Name	M.I
[redacted]	SUTTON	WES	M
[redacted]	BERG	MICHAEL	R
[redacted]	JENNINGS	RICKEY	D

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1-12	FR	ZZ	23			NN	
E#1-12	S#1	FR	ZZ	WW	Y	Y	DH	IN

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 003-13578-2670-013

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	Chase
First Name	Bruce
M.I.	D
Sex	M
Race	W
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	4 to 6
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest (circled)
Other Factors	
Age	[redacted]
Height	5'11"
Weight	175 LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	3
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

E 2

Field	Value
Employee #	[redacted]
Last Name	Conner
First Name	Zack
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	3 to 4
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest (circled)
Other Factors	
Age	[redacted]
Height	5'08"
Weight	205LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	1
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

E 3

Field	Value
Employee #	[redacted]
Last Name	Hackett
First Name	Clipper
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	4
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest (circled)
Other Factors	
Age	[redacted]
Height	6'03"
Weight	250LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	1
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

Officer Involved Shooting
Involved Employee Information

URN: 003-13578-2670-013

Involved Employee

E 4

Field	Value
Employee #	[redacted]
Last Name	Barth
First Name	Phil
M.I.	
Sex	M
Race	White
Rank	Sergeant
Unit Assignment	Sergeant
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	7 to 8
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	5'09"
Weight	170 LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	1
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

E 5

Field	Value
Employee #	[redacted]
Last Name	Plent
First Name	Gerard
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	Unknown
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	6'02"
Weight	220LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

E 6

Field	Value
Employee #	[redacted]
Last Name	Baudino
First Name	Anthony
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	5
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	5'10"
Weight	180 LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	2
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

Officer Involved Shooting
Involved Employee Information

Involved Employee

E 7

Field	Value
Employee #	
Last Name	Keelin
First Name	Fred
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	6
Duty Time (hrs)	
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	
Height	5'11"
Weight	195LBS
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	
Patrol Certification?	
Certification Unit	
Prior Shootings?	☒
Number of Prior Shootings	1
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

E 8

Field	Value
Employee #	
Last Name	Demello
First Name	Jack
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	5
Duty Time (hrs)	
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	
Height	6'02"
Weight	210LBS
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	
Patrol Certification?	
Certification Unit	
Prior Shootings?	☒
Number of Prior Shootings	1
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

E 9

Field	Value
Employee #	
Last Name	Rector
First Name	Rick
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (*circle only one*): EM PM Day	Day
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	4
Duty Time (hrs)	
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	
Height	6'00"
Weight	195LBS
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	
Patrol Certification?	
Certification Unit	
Prior Shootings?	☒
Number of Prior Shootings	3
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

Officer Involved Shooting
Involved Employee Information

URN: 003-13578-2670-013

Involved Employee

E 10

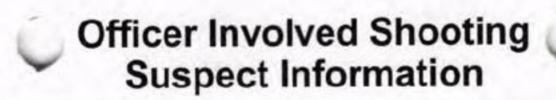
Field	Value
Employee #	[redacted]
Last Name	Gallegos
First Name	Clarence
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (circle only one): EM PM Day	Day
ShiftType (circle only one): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	5
Duty Time (hrs)	[redacted]
Clothing (circle only one): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	5'09"
Weight	180 LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	3
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

E 11

Field	Value
Employee #	[redacted]
Last Name	Burwell
First Name	Ernest
M.I.	
Sex	M
Race	White
Rank	Deputy Sheriff
Unit Assignment	SEB/K-9
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (circle only one): EM PM Day	Day
ShiftType (circle only one): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	6-7
Duty Time (hrs)	[redacted]
Clothing (circle only one): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	5'08"
Weight	200 Lbs
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	2
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]

E 12

Field	Value
Employee #	[redacted]
Last Name	Guilbault
First Name	Robert
M.I.	
Sex	M
Race	White
Rank	Sergeant
Unit Assignment	SEB
Work Assignment (Unit #, Module, etc.)	Tan Team
ShiftTime (circle only one): EM PM Day	Day
ShiftType (circle only one): Regular Overtime Off Duty	Regular
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	6
Duty Time (hrs)	[redacted]
Clothing (circle only one): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	6'02"
Weight	220LBS
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☒
Number of Prior Shootings	1
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted]



Officer Involved Shooting Suspect Information

URN: 003-13578-2670-013

Suspect Information

S 1

Last Name KUECK		First Name DONALD	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: White	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: 52 D.O.B. 08/21/50	Height: 6'02" Weight: 185Lbs	FBI #	CII #
Booking #	Primary Charge: 187 PC	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2003-05989	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History?
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Schlegel	Richard		# Special Enforcement Bureau			
Maxwell	Patrick		# Special Enforcement Bureau			
Williams	Joseph		# Special Enforcement Bureau/K-9			
Ramirez	Andres		# Crisis Negotiations Team			
			#			

SUPPLEM[illegible]NTAL EMPLOYEE W[illegible]TNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

March 24, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 03-0638
L.A.S.D. File # 003-13578-2670-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 8, 2003, fatal shooting of Donald Kueck. **A review of the evidence suggests that Los Angeles County Sheriff's Deputies and Los Angeles Police Department Officers acted lawfully in self-defense.**

The following analysis is based on the reports relating to this matter that were submitted to this office on January 5, 2004 by Sergeant Mark Winters from the Los Angeles County Sheriff's Department (LASD), Homicide Division. On August 9, 2003 at approximately 8:00 a.m., Deputy District Attorney Michael Mallano and District Attorney Senior Investigator [redacted] responded on behalf of the District Attorney's Response Team and conducted a walk-through of the scene. All of the involved deputies' tape-recorded, non-compelled statements concerning this incident were reviewed as part of this analysis. No compelled statements were reviewed.

FACTUAL ANALYSIS

On August 8, 2003 at approximately 1:00 p.m., Los Angeles County Sheriff's Department's Special Enforcement Bureau, along with Los Angeles Police Department's (LAPD) Metropolitan Division Swat Team, executed a search warrant at [redacted] East Avenue R, in the City of Llano. They were attempting to apprehend Donald Kueck. Judge Thomas R. White of Antelope Valley Judicial District, Lancaster Court, issued the search warrant.

Kueck was the admitted killer of Deputy Stephen Sorenson, who was murdered while on duty, on August 2, 2003. Kueck used a .223 caliber assault rifle to murder Deputy

Clara Shortridge Foltz Criminal Justice Center
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Los Angeles, CA 90012-3210
WEBSITE: http://da.co.la.ca.us

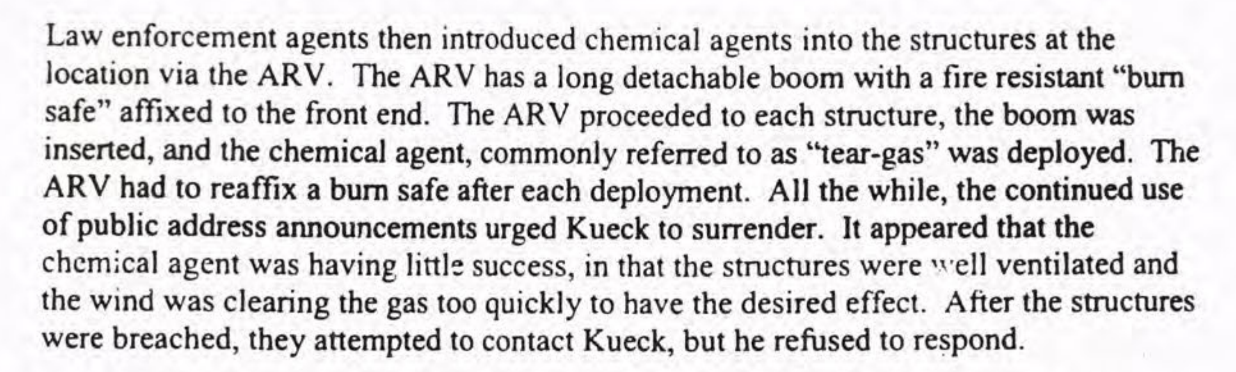
Sorenson. He also stole the Deputy's 9-mm Beretta duty weapon, a .38 caliber revolver, and his department issued radio.

On August 8, 2003 at approximately 12:00 p.m., prior to the execution of the search warrant, [redacted] was in telephonic contact with Kueck. [redacted] is the [redacted] of Kueck. She had previously informed the Sheriff's Department that Kueck had been calling her at home. [redacted] attempted to convince Kueck to surrender peacefully. They were in contact periodically until approximately 6:00 p.m. that evening. All of the conversations were tape-recorded. Kueck was repeatedly advised that he would be treated properly, were he to surrender peacefully. When Kueck was asked about Deputy Sorenson, he stated that he had "shot the Deputy in the side where the body armor is." [redacted] told Kueck, "tell me what you want Donald and I guarantee you I'll make it happen." "You won't be mistreated, I'll get you medical treatment." Kueck was unresponsive and seemed to be in despair. He was continually rambling, sometimes incoherently. Earlier that day, Kueck told his [redacted] "I just hope I die before I kill them." "They are Gestapo, these aren't innocent men." He also admitted to her that he killed Deputy Sorenson and took his guns. Kueck informed [redacted] that, by 8:00 p.m., he would "end things" by surrendering or by killing himself. Each time Kueck called, [redacted] assured him that he would not be harmed were he to surrender. Kueck made his final call at 6:00 p.m. It was clear from the audiotapes that [redacted] was doing everything in his power to talk Kueck into surrendering peacefully. Despite these efforts, Kueck never agreed to surrender, nor did he take any affirmative action demonstrating an intent to surrender.

About the same time [redacted] was in contact with Kueck, Lieutenant Andres Ramirez from the Los Angeles Sheriff's Department Crisis Negotiation Team went to 180th Street and Palmdale Boulevard to attempt to convince Kueck to surrender. Ramirez was unable to contact Kueck via cell phone, hard line, or over the Sheriff's radio. His efforts were tape-recorded.

When it was learned that Kueck was hiding at [redacted] East Avenue R, in the City of Llano, the Special Enforcement Bureau was dispatched to the location. The Los Angeles Police Department's Metropolitan Division Swat Team assisted them. A tactical plan was discussed and approved by the command staff. The plan called for the initial deployment of containment personnel armed with long rifles using an Armored Response Vehicle (ARV). Also inside the ARV were a number of personnel serving as a "ready response contingent." Due to the fact that the location is in the middle of a flat desert, there was poor cover for the deputies serving as containment.

After these deputies were in place, public address announcements were broadcast urging Kueck to surrender peacefully. According to Lieutenant Patrick Maxwell, the sustained use of public address announcements, urging Kueck to surrender, went on for several hours. Kueck refused to submit. The announcements were tape-recorded. These announcements continued throughout the entire evening.



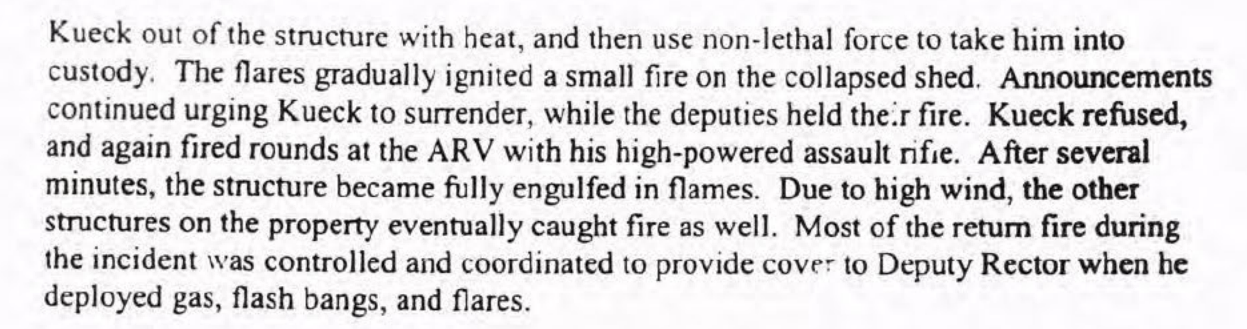
Law enforcement agents then introduced chemical agents into the structures at the location via the ARV. The ARV has a long detachable boom with a fire resistant "burn safe" affixed to the front end. The ARV proceeded to each structure, the boom was inserted, and the chemical agent, commonly referred to as "tear-gas" was deployed. The ARV had to reaffix a burn safe after each deployment. All the while, the continued use of public address announcements urged Kueck to surrender. It appeared that the chemical agent was having little success, in that the structures were well ventilated and the wind was clearing the gas too quickly to have the desired effect. After the structures were breached, they attempted to contact Kueck, but he refused to respond.

The next tactic was to open the walls of the various structures with the ARV, hoping to expose Kueck and force his peaceful surrender. During the breach of the northwest structure, the roof collapsed leaving a "lean-to" appearance. A number of personnel heard a small caliber gunshot come from that structure, immediately followed by high powered gunshots, sounding like a .223 assault rifle. It was determined that none of the law enforcement personnel had fired their weapons. The ARV was under fire. It should be noted that this was the first time this ARV had been used in a combat situation and it was uncertain how effective it would be in stopping high-powered rounds. The personnel inside the ARV returned fire. After the incident, it was obvious that multiple rounds from the .223 assault rifle, which was subsequently recovered from Kueck, struck the ARV.

Meanwhile, personnel assigned to containment heard gunshots "whizzing" by their heads. The personnel on the perimeter were "hung-out" without proper cover. These personnel also returned Kueck's fire. An intense firefight broke out and the deputies could see muzzle flashes coming from the northwest structure. The containment personnel on the perimeter were ordered to move, because their location was deemed too dangerous.

At this point, the decision was made to hand launch additional chemical agents into the structure. Further public address announcements were made, urging Kueck to surrender, which he answered with more gunfire. The ARV returned to the northwest shed to deploy more gas. Kueck continued to fire at the ARV. Deputy Rick Rector deployed a "hot gas" canister using a shotgun launcher, but it missed the target. Two hot gas canisters were thrown by hand into the structure, but Kueck continued to shoot. The hot gas has a burning catalyst, which disperses the gas in a greater volume and more rapidly than the previously used tear-gas. Two "flash-bangs" were utilized in hopes of flushing Kueck out, but they had no effect. Flash bangs are diversionary devices that emit a brilliant light accompanied with a single loud "boom."

The ARV backed away and Kueck was asked again to surrender, while all personnel held their fire. Kueck again refused and fired more rounds at the ARV. At that point a tactical plan was made to deploy common road flares on Kueck's bunkered position. It was hoped that the flares would cease Kueck's constant and deadly assault and cause him to surrender. After substantial discussion, the incident commander authorized the plan. Deputy Rector deployed two flares into the northwest structure. The hope was to force



Kueck out of the structure with heat, and then use non-lethal force to take him into custody. The flares gradually ignited a small fire on the collapsed shed. Announcements continued urging Kueck to surrender, while the deputies held the:r fire. Kueck refused, and again fired rounds at the ARV with his high-powered assault rifie. After several minutes, the structure became fully engulfed in flames. Due to high wind, the other structures on the property eventually caught fire as well. Most of the return fire during the incident was controlled and coordinated to provide cover to Deputy Rector when he deployed gas, flash bangs, and flares.

The fire department was immediately requested, but they refused to respond due to the danger. Lieutenant Maxwell then requested they make a water drop from the air. That request was also denied, due to the danger it would present to the firefighters.

On August 9, 2003 at approximately 1:15 a.m., a search was conducted and human remains were located inside the northwest structure. A containment was established until additional investigators from the Arson Division, the District Attorney's Office, Coroner's Office, and Sheriff's Homicide Division could arrive. At approximately 8:45 a.m., representatives from all of the above agencies conducted a walk-through of the scene.

In the northwest structure one could see the charred remains of a human, later identified as Donald Kueck. Next to the body, was a high-powered .223 Daewoo assault rifle. The assault rifle was the same caliber and type of weapon that was used to murder Deputy Sorenson. The assault rifle contained an empty magazine, which was in place in the port of the rifle. The safety was in "fire mode." Under the rifle was a Beretta 9-mm semiautomatic pistol with the safety off and the hammer cocked. It was later determined that the serial number matched Deputy Sorenson's duty weapon, which was stolen from him at the time he was murdered. A Sheriff's radio, later identified as belonging to Deputy Sorenson, was recovered near Kueck's right shoulder. Additional evidence included a cell phone, miscellaneous cartridge casings, empty rifle magazines and bullets. After the Coroner's personnel removed Kueck's body, an additional Smith and Wesson .38 revolver was found underneath the body. It was later identified as Deputy Sorenson's back-up weapon.

Deputy Medical Examiner Irwin Golden of the Los Angeles County Coroner's Office ascribed the cause of death as "multiple firearms wounds with a contributing factor of probable effects of thermal burns." He recovered one expended bullet from Kueck's body that was most consistent with ammunition for a .38 caliber or a .357 magnum. It should be noted that no law enforcement personnel fired weapons of either of these calibers. Thus, it was determined that this round was in all likelihood self-inflicted. The .38 caliber revolver contained a fired .38 caliber cartridge casing.

Decedent Kueck had a criminal record that included a

CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury.

The evidence in this investigation shows that on August 8, 2003, Los Angeles County Sheriff's Department personnel along with Los Angeles Police Department personnel took measures to capture Donald Kueck and protect themselves. Their actions were in direct response to deadly force that was initiated by Kueck. Kueck's refusal to comply with lawful commands and his armed assault with a high-powered .223 caliber assault rifle necessitated the use of an array of tactics by the deputies and officers involved in the incident.

Based on the evidence, we find that the tactics employed, albeit unique, were resourceful and the level of force utilized by law enforcement personnel at the scene was both reasonable and lawful under the circumstances. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By *Mike Mallano by MA*

MICHAEL MALLANO
Deputy District Attorney
(213) 974-3880

c: Deputy Jack Demelo #
Deputy Rick Rector #
Deputy Fred Keelin #
Deputy Gerard Plent #
Deputy Zachary Conner #
Deputy Clarence Gallegos #
Deputy Robert Guilbault #
Deputy Bruce Chase #
Deputy Anthony Baudino #
Deputy Phillip Barth #
Deputy Clipper Hackett #
Deputy Ernest Burwell #

Deputy Richard Schlegel #[redacted]
Deputy Joseph Williams #[redacted]
Deputy Patrick Maxwell #[redacted]
Officer [redacted] #[redacted]
Officer [redacted] #[redacted]